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ALAMEDA COUNTY

March 07, 2019

CLERK OF  
THE SUPERIOR COURT  
By Cheryl Clark, Deputy

CASE NUMBER:  
**RG19010126**

8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

9 **COUNTY OF ALAMEDA**

10 WILLIAM J. RUMLEY, SALESHNI SINGH,

11 Plaintiffs,

12 v.

13 REGENTS OF THE UNIVERSITY OF  
14 CALIFORNIA; ALLEN TOLLESFSON; and  
15 DOES 1 through 10, inclusive,

16 Defendants.

Case No.

**COMPLAINT FOR DAMAGES,  
EQUITABLE AND/OR INJUNCTIVE  
RELIEF**

17 VIOLATIONS OF THE CIVIL RIGHTS  
18 ACT, 42 U.S.C. § 1983; VIOLATIONS OF  
19 THE CALIFORNIA CONSTITUTION;  
VIOLATIONS OF CALIFORNIA LABOR  
CODE SECTION 1102.5; VIOLATIONS OF  
CALIFORNIA LABOR CODE § 6310;  
INTENTIONAL INFILCTION OF  
EMOTIONAL DISTRESS

20 **JURY TRIAL DEMANDED**

21 Plaintiffs WILLIAM J. RUMLEY and SALESHNI SINGH complain and allege as  
22 follows:

23 **PARTIES AND JURISDICTION**

24 1. Plaintiff WILLIAM J. RUMLEY ("Plaintiff") is, and at all relevant times hereto,  
25 has been a resident of the State of California.

1       2. Plaintiff SALESNI SINGH ("Plaintiff") is, and at all relevant times hereto, has  
2 been a resident of the State of California

3

4       3. Plaintiffs are informed and believe and thereby allege that Defendant REGENTS  
5 OF THE UNIVERSITY OF CALIFORNIA (hereinafter "Regents" or "Defendant"), is and at all  
6 relevant times hereto, was a public entity that operated in the State of California, County of  
7 Alameda. Plaintiffs are informed and believe that Defendant Regents has it's principal place of  
8 business in the State of California, County of Alameda.

9

10      4. Defendant Regents, including its departments, units, and/or political subdivisions,  
11 is and at all relevant times hereto, was an employer operating as a public entity within the State of  
12 California, who regularly employed more than 75 employees.

13

14      5. Defendant Regents is a state agency located within the State of California and  
15 doing business as a government entity under color of state authority and law.

16

17      6. Defendant ALLEN TOLLESFSON ("Tollesfson" or "Defendant") is an individual  
18 whose residence is located in the State of California. Defendant Tollesfson was a supervisor  
19 and/or managerial employee of the Regents. For purposes of the cause of action under the Civil  
20 Rights Act, Defendant Tollesfson is being sued in his official and/or individual capacity acting  
21 under color of law.

22

23      7. This Court has jurisdiction and venue over this action in that Defendant Regents  
24 employed Plaintiff within the State of California, and Defendant Regents principal place of  
25 business is located in the County of Alameda, State of California.

26

27      8. Plaintiffs are unaware of the true identity, nature and capacity of each of the  
28 defendants designated herein as a DOE, whether individual, corporate, associate or otherwise,

1 who therefore sues such defendants by fictitious names pursuant to California Code of Civil  
2 Procedure §474. Plaintiffs are informed and believe and thereby allege that each of the  
3 defendants designated herein as a DOE is in some manner responsible for the damages and  
4 injuries as are alleged in this Complaint. Upon learning the true identity, nature and capacity of  
5 the DOE defendants, plaintiffs will amend this Complaint to allege their true names and  
6 capacities.

7

8       9. Unless otherwise indicated as acting in individual capacity, Plaintiffs are informed  
9 and believe, and thereby allege that each of the defendants herein were at all times relevant  
10 hereto, the agents, representatives, servants and employees of the remaining defendants, and were  
11 acting at least in part within the course and scope of such relationship, and that the wrongful acts  
12 alleged herein were committed by such defendants, and each of them.

13

14

#### FACTUAL BACKGROUND

15

16       10. Plaintiff Rumley is a former employee of the Regents, who was employed by  
17 Defendant Regents for more than 15 years. Plaintiff was qualified to work in his position, and,  
18 throughout his employment with the Regents, Plaintiff diligently and competently performed his  
19 duties. Plaintiff received consistent praise regarding his abilities and skill level, was provided  
20 with several promotions over the years, including a promotion to a director level position at U.C.  
21 Davis. At all relevant times, Plaintiff possessed the requisite skills in his position and was  
22 capable of performing the essential functions of his job.

23

24

11. Plaintiff Singh is a former employee of the Regents, who was employed by  
25 Defendant Regents for more than 14 years. Plaintiff was qualified to work in her position, and,  
26 throughout her employment with the Regents, Plaintiff diligently and competently performed her  
27 duties. Plaintiff received consistent praise regarding her abilities and skill level, was provided  
28 with several promotions over the years, including a promotion to a supervisory level position at

1       U.C. Davis. At all relevant times, Plaintiff possessed the requisite skills in her position and was  
2 capable of performing the essential functions of her job. Plaintiff Singh reported to Defendant  
3 Rumley, who, in turn, reported to Defendant Tollesfson.

4

5       12. In approximately 2016, Plaintiff Singh was the custodial manager for the U.C.  
6 Davis campus, and she reported to Plaintiff Rumley, who, in turn, reported to Defendant  
7 Tollesfson. Plaintiff Singh managed a custodial staff of employees, which included Regents  
8 employee, Om Sharma.

9

10       13. Mr. Sharma was a permanent employee of the Regents on the U.C. Davis campus,  
11 and he was also a well-known spiritual leader in the Indian faith-based community. Mr. Sharma  
12 had performed prayers for over 100 parishioners, including celebrations of significant Hindu  
13 holidays, and Mr. Sharma was a spiritual leader for Plaintiff Singh and her family, which  
14 included visits to Plaintiff Singh's home to perform prayers for Plaintiff and her family. Mr.  
15 Sharma had significant influence over Plaintiff and her family, as a strong spiritual leader.

16

17       14. During this period of time, Mr. Sharma's relationship with Plaintiff Singh became  
18 physically and mentally abusive, including abuse in the workplace. Mr. Sharma physically  
19 assaulted Plaintiff Singh, which caused bruising and hospitalization. Mr. Sharma also recklessly  
20 and maliciously pulled the parking brake on Plaintiff's vehicle while they were driving together,  
21 causing the vehicle to crash into a ditch. Plaintiff Singh became so fearful of Mr. Sharma that she  
22 suggested that his work schedule be modified.

23

24       15. Additionally, during this same period of time, Plaintiff Rumley, as Plaintiff  
25 Singh's director in the workplace, observed several unexplained bruises on Plaintiff Singh's  
26 body, and, when Plaintiff Rumley attempted to visit Plaintiff in the hospital, he noticed that Mr.  
27 Sharma was present, and he was exerting undue influence over Plaintiff Singh. Mr. Sharma later

1 admitted to Plaintiff Rumley that he physically assaulted Plaintiff Singh, and further admitted that  
2 he was previously required to attend anger management courses for spousal abuse.

3

4 16. In approximately November 2016, Plaintiff Rumley reported to Defendant  
5 Tollesfson that Plaintiff Singh was the victim of abuse. Defendant Tollesfson failed to take any  
6 reasonable measures to investigate this report, and he failed to take any reasonable measures to  
7 ensure a safe workplace environment.

8

9 17. Instead of taking reasonable measures to investigate the conduct, and prevent it  
10 from occurring in the workplace, Defendants removed Plaintiff Singh from the workplace in  
11 December 2016, placing her on administrative leave pending an investigation. Plaintiff Rumley  
12 objected to placing her on administrative leave, as she had done nothing wrong.

13

14 18. Defendants' investigation concluded that Plaintiff Singh was the victim of physical  
15 and mental abuse by Mr. Sharma. The investigation determined that Mr. Sharma had intentionally  
16 caused bodily injury to Plaintiff Singh, including engaging the emergency brake in Plaintiff's  
17 vehicle. The investigation further determined that Mr. Sharma caused Plaintiff to fear great  
18 bodily injury.

19

20 19. Even though the investigation concluded that Plaintiff Singh was the victim of  
21 physical and mental abuse at the hands of a Regents' employee, Defendant Tollesfson informed  
22 Plaintiff Rumley that he was going to terminate the employment of Plaintiff Singh, as she was  
23 engaging in an inappropriate "dating" relationship with Mr. Sharma, and Plaintiff Singh had  
24 apparently used this relationship to suggest "schedule changes" for Mr. Sharma in the workplace.

25

26 20. Plaintiff Rumley strenuously objected to Defendant Tollesfson's intent to  
27 terminate the employment of Plaintiff Singh. Plaintiff Rumley advised Defendants that there was  
28 no evidence that Plaintiff Singh was engaged in any dating relationship with Mr. Sharma, and it

1 violated the law for Defendants to retaliate and target the Plaintiff for being a victim of physical  
2 and mental abuse in the workplace.

3

4 21. Moreover, during this period of time, when Plaintiff Rumley attended a meeting of  
5 the University's violence committee, the abuse towards Plaintiff Singh was openly mocked by the  
6 Regents' management, including comments such as Plaintiff Singh must have been "riding him  
7 hard" in order to get the bruises on her body. Plaintiff Rumley reported these comments to  
8 Defendants, and he requested that Plaintiff Singh's situation be taken seriously.

9

10 22. On February 28, 2017, Defendants sent a notice of intent to terminate Plaintiff  
11 Singh's employment, effective March 8, 2017. Defendants accused Plaintiff Singh of engaging in  
12 a "consensual dating relationship" with Mr. Sharma, and attempting to inappropriately change his  
13 work schedule. Plaintiff Rumley again protested the termination recommendation.

14

15 23. Defendants failed to provide Plaintiff Singh with a fair, neutral, and unbiased pre  
16 or post termination hearing. Instead, Defendants provided Plaintiff with a biased hearing, which  
17 relied upon evidence that was never investigated. Although there was no evidence to support the  
18 allegations against Plaintiff Singh, Defendant Tollesfson decided to conduct his own "side"  
19 investigation into Plaintiff Singh's complaints and concerns, and he relied upon undisclosed  
20 evidence to claim that Plaintiff Singh had a consensual dating relationship with Mr. Sharma.

21

22 24. Plaintiff Rumley appeared at the biased pre-termination hearing, and he testified  
23 that there was no basis to terminate Plaintiff Singh's employment, and she was the victim in this  
24 situation. Defendants were furious that Plaintiff Rumley was openly supporting Plaintiff Singh.

25

26 25. Plaintiff Rumley also directly complained to Defendant Tollesfson that Plaintiff  
27 Singh was being wrongfully terminated, and he requested that some action be taken. Defendants  
28 Tollesfson then turned on Plaintiff Rumley and began targeting his employment.

26. In late-March 2017, Defendants terminated the employment of Plaintiff Singh.

3       27. Plaintiff Rumley then took a period of family medical leave, and, upon his return  
4 to work, Defendants informed Plaintiff that he would be placed on administrative leave for  
5 supporting Plaintiff Singh, and Plaintiff was given the choice to either retire, or have his  
6 employment terminated for supporting his employee, who was the victim of violence. In July  
7 2017, Plaintiff Rumley's employment was constructively terminated, as he had no free choice in  
8 the process.

10 28. Defendants failed to provide Plaintiff Rumley with any procedural due process  
11 protections prior to making the decision to terminate his employment.

**FIRST CAUSE OF ACTION**

(Violations of California Labor Code § 6310 – Defendant Regents)

15 29. Plaintiffs incorporate herein by reference all of the allegations contained in  
16 paragraphs 1 through 28 of this Complaint as fully set forth herein.

18       30.    California Labor Code § 6310 prohibits an employer from discriminating or  
19   retaliating against an employee that lodges a complaint, including a verbal complaint, or  
20   participates in any investigation pertaining to health and safety in the workplace.

22       31. In acting above, Defendants violated § 6310, in that Defendants took adverse  
23 employment actions against Plaintiffs, including but not limited to termination of employment, as  
24 a direct result of Plaintiffs internal complaints, concerns, and participation in investigations  
25 pertaining to health and safety in the workplace.

1       32. As a direct and proximate result of Defendant's conduct, Plaintiffs have suffered  
2 loss of employment, indignity, great humiliation and emotional distress manifesting in physical  
3 symptoms.

5       33. Defendants' actions have caused and continue to cause Plaintiffs substantial losses  
6 in earnings, significant reputation and professional injury, loss of promotional opportunities and  
7 other employment benefits, lost wages, attorneys' fees, future earnings and benefits, cost of suit,  
8 humiliation, embarrassment and anguish, all to their damage in an amount according to proof.

## **SECOND CAUSE OF ACTION**

11 (Violations First, Fifth, and Fourteenth Amendment, U.S. Const., 42 U.S.C. § 1983 – Defendant  
12 Tollesfson)

13 34. Plaintiffs incorporate herein by reference all of the allegations contained in  
14 paragraphs 1 through 33 of this Complaint as fully set forth herein.

16       35. In acting above, Defendants violated Plaintiffs' due process rights under the Fifth  
17 and Fourteenth Amendments to the United States Constitution, and, acting under color of  
18 authority, further violated Plaintiffs' rights under 42 U.S.C. § 1983. Plaintiffs had a protected  
19 property interest in their continued employment, which could not be deprived without an  
20 unbiased investigation and pre or post-termination hearing.

22 36. In acting above, Defendants provided Plaintiff Singh with a biased pre-termination  
23 *Skelly* hearing, and failed to provide Plaintiff Rumley with any hearing prior to making the  
24 decision to terminate Plaintiff Rumley's employment.

26       37. Moreover, in acting above, Defendants violated Plaintiffs' rights of free speech  
27 and to petition the government for redress under the First Amendment to the United States

1 Constitution. Plaintiffs made complaints of matters of public concern to Defendants, who  
2 retaliated against Plaintiffs in direct violation of their First Amendment rights.

3

4 38. As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered  
5 loss of employment, indignity, great humiliation and emotional distress manifesting in physical  
6 symptoms.

7

8 39. Defendants' actions have caused and continue to cause Plaintiff's substantial losses  
9 in earnings, significant reputation and professional injury, loss of promotional opportunities and  
10 other employment benefits, lost wages, attorneys' fees, future earnings and benefits, cost of suit,  
11 humiliation, embarrassment and anguish, all to their damage in an amount according to proof.

12

13 40. As to individual Defendant Tollesfson and DOES 1 through 10, the acts of these  
14 said defendants as alleged herein, were intentional, oppressive, fraudulent, and done with ill will  
15 and intent to injure Plaintiffs and to cause Plaintiffs mental anguish, anxiety, and distress. The  
16 defendants' acts were done in conscious disregard of the risk of severe emotional harm to  
17 Plaintiffs and with the intent to injure Plaintiffs, constituting oppression, fraud, malice under  
18 California Civil Code §3294, entitling Plaintiffs to punitive damages against these defendants  
19 only.

20

21 **THIRD CAUSE OF ACTION**

22 (Violations of the California Constitution – All Defendants)

23 41. Plaintiffs incorporate herein by reference all of the allegations contained in  
24 paragraphs 1 through 40 of this Complaint as fully set forth herein.

25

26 42. Article I, §§ 2 and 7, of the California Constitution prohibit any person while  
27 acting under color of law to deprive and/or interfere with any other person's constitutional rights  
28 of free speech, to petition the government for redress, and due process.

1       43. In acting above, Defendants violated Article I, §§ 2 and 7 of the California  
2 Constitution, with regard to Plaintiffs when they violated Plaintiffs' due process rights, and  
3 engaged in a course and conduct of retaliating against Plaintiffs for exercising protected speech  
4 and petition activities.

6       44.     As a direct and proximate result of Defendants' conduct, Plaintiffs are seeking the  
7     equitable remedy of reinstatement with back-pay. Plaintiffs further seek any other relief the  
8     Court deems appropriate.

## **FOURTH CAUSE OF ACTION**

(Violations of California Labor Code Section § 1102.5 – All Defendants)

13 45. Plaintiffs incorporate herein by reference all of the allegations contained in  
14 paragraphs 1 through 44 of this Complaint as fully set forth herein.

16       46.    California Government Code §1102.5, *et. seq.* provides that it is an unlawful  
17 employment practice for an employer or any other person to retaliate against an employee for  
18 opposing illegal conduct.

20 47. In acting above, Defendants violated Section 1102.5, when they terminated  
21 Plaintiffs' employment, and took adverse actions against Plaintiffs.

23       48.     As a direct and proximate result of Defendants' retaliatory conduct, Plaintiffs have  
24 suffered loss of employment, indignity, great humiliation and emotional distress manifesting in  
25 physical symptoms.

27 49. Defendants' actions have caused and continue to cause Plaintiffs substantial losses  
28 in earnings, significant reputation and professional injury, loss of promotional opportunities and

1 other employment benefits, lost wages, attorneys' fees, future earnings and benefits, cost of suit,  
2 humiliation, embarrassment and anguish, all to their damage in an amount according to proof.

3

4 50. As to individual Defendant Tollesfson and DOES 1 through 10, the acts of these  
5 said defendants as alleged herein, were intentional, oppressive, fraudulent, and done with ill will  
6 and intent to injure Plaintiffs and to cause Plaintiffs mental anguish, anxiety, and distress. The  
7 defendants' acts were done in conscious disregard of the risk of severe emotional harm to  
8 Plaintiffs and with the intent to injure Plaintiffs, constituting oppression, fraud, malice under  
9 California Civil Code §3294, entitling Plaintiffs to punitive damages against these defendants  
10 only.

11

12 **FIFTH CAUSE OF ACTION**

13 (Intentional Infliction of Emotional Distress – All Defendants)

14

15 51. Plaintiffs incorporate herein by reference all of the allegations contained in  
16 paragraphs 1 through 50 of this Complaint as fully set forth herein

17

18 52. Defendants' conduct, in acting above, was extreme and outrageous, and fell far  
19 outside the ordinary compensation bargain, thus causing Plaintiffs severe and pervasive emotional  
20 distress. Defendants' conduct was intentional and/or with reckless disregard for Plaintiffs' health,  
21 safety, and legal rights.

22

23 53. As a direct and proximate result of Defendants' retaliatory conduct, Plaintiffs have  
24 suffered loss of employment, indignity, great humiliation and emotional distress manifesting in  
25 physical symptoms

26

27 54. Defendants' actions have caused and continue to cause Plaintiffs substantial losses  
28 in earnings, significant reputation and professional injury, loss of promotional opportunities and

1 other employment benefits, lost wages, attorneys' fees, future earnings and benefits, cost of suit,  
2 humiliation, embarrassment and anguish, all to their damage in an amount according to proof  
3

4 55. As to individual Defendant Tollesfson and DOES 1 through 10, the acts of these  
5 said defendants as alleged herein, were intentional, oppressive, fraudulent, and done with ill will  
6 and intent to injure Plaintiffs and to cause Plaintiffs mental anguish, anxiety, and distress. The  
7 defendants' acts were done in conscious disregard of the risk of severe emotional harm to  
8 Plaintiffs and with the intent to injure Plaintiffs, constituting oppression, fraud, malice under  
9 California Civil Code §3294, entitling Plaintiffs to punitive damages against these defendants  
10 only.

11

12 **PRAYER FOR RELIEF**

13 Wherefore, Plaintiffs pray for judgment against Defendants, and each of them as follows:

14 1. For general damages in an amount according to proof;  
15 2. For special damages in an amount according to proof;  
16 3. For prejudgment interest in an amount according to proof;  
17 4. For punitive damages against individuals in an amount according to proof;  
18 5. For equitable and/or injunctive relief;  
19 6. For statutory penalties, if applicable;  
20 7. For reasonable attorney's fees and cost of suit therein;  
21 8. For such other and further relief as the court may deem proper.  
22 9. Plaintiffs demands a trial by jury.

23

24 Dated: March 7, 2019

BROWN | POORE LLP

25

26 By:

27   
David Poore Turner  
28 Attorneys for Plaintiffs